

JURISDICTION:

NEW JERSEY

General Reference:

This chapter summarizes New Jersey State statutes related to speed.
New Jersey Statutes Annotated and New Jersey Administrative Code (NJAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall drive a vehicle at an appropriate reduced rate of speed when special hazard exist with respect to pedestrians or other traffic or by reason of weather or highway condition.¹ Required reduced rates of speed also includes (1) approaching and crossing an intersection or railway grade crossing, (2) approaching and going around a curve, (3) approaching a hill crease and (4) traveling upon any narrow or winding roadway. §39:4-98 (¶3)

Statutory Speed Limit:
See Other below.

- I. 65 MPH on selected portions of State eligible public highways² as determined by the State Commissioner of Transportation in consultation with the State attorney general, the N.J. Highway Authority and the N.J. Transportation Authority §39:4-98.4 & 39:4-98.5
- II. It is *prima facie* unlawful for a person to exceed the following speed limits. §39:4-98
- 1) 55 MPH on all other highways §39:4-98 (¶1)
 - 2) 35 MPH in suburban business or residential district §39:4-98 (¶1)
 - 3) 25 MPH in a (non-suburban) business or residential district §39:4-98 (¶1)
 - 4) 25 MPH either when passing through a school zone during recess, while children are visible from the highway or when children are either going to or leaving a school during opening and closing hours. §39:4-98 (¶1)

Posted (Maximum) Speed Limit:

- I. Based on engineering and traffic investigations, the State Commissioner of Transportation on State highways or local governments on highways under their jurisdiction, may increase or decrease the above speed limits. These new limits will be the *prima facie* lawful speed limits.³ §39:4-8(b) & 39:4-98 (¶2)
- II. The State Highway Commissioner or a local government on highways under their jurisdiction may designate the right-hand lanes of

Basis for a Speed Law Violation:
(continued)

Posted (Maximum) Speed Limit: (continued)

traffic for slow moving vehicles and inside lanes for traffic moving at the designated speed. §39:4-88(d)

III. The South Jersey Transportation, New Jersey Turnpike and the New Jersey Highway Authorities may establish speed limits on the highways

¹I. On highways under the jurisdiction of the South Jersey Transportation, New Jersey Turnpike or the New Jersey Highway Authorities, a person shall operate a vehicle at a careful and prudent speed, having due regard to the rights and safety of others and to the traffic, surface and width of the highway and any other conditions then existing; no person shall operate a vehicle at a speed as to endanger life, limb or property. §§27:12B-18(c), 27:23-27 & 27:25A-21(c) II. On highways under the jurisdiction of the Port Authority of New York and New Jersey, persons shall not operate a vehicle at a speed so as to endanger unreasonably or to be likely to endanger unreasonably persons or property. §§32:1-154.3 & 32:1-154.18(2)

²An "eligible public highway" is a "public highway" which includes "public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges...." §27:1B-3(l) Public highways, under the jurisdiction of either counties or municipalities, are not eligible for the 65 MPH speed limit. §39:4-98.4 (¶3)

³Via an emergency order, the State Commissioner of Transportation may establish speed limits for up to 60 days on any public highway based on emergent conditions such as construction work, dangerous conditions, extreme congestion or traffic problems, imminent peril or imminent risk to motorists or to the public safety. §39:4-98.9

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under their respective jurisdictions. §§27:12B-18(c) & (e), 27:23-27 (¶1) and 27:25A-21(c) & (e)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §§27:12B-18(d), 27:23-27 (¶2), 27:25A-21(d) & 39:4-97.1

II. When driving on the inside lane of a highway which has been designated for the use of traffic proceeding at the posted speed limit, a person shall drive at approximately the speed authorized and shall not decrease their speed so as to unnecessarily block, hinder or retard traffic. §39:4-88(d)

Posted (Minimum) Speed Limit:

Other:

I. The State Commissioner of Transportation may restrict the maximum speed for trucks weighing $\geq 10,000$ lbs. on highways with maximum speed limits ≥ 50 MPH. However, such reduced limit can only be 5 MPH below the normal speed limit. §39:4-98.1

II. A person shall not operate a motor vehicle >4 MPH across a sidewalk. §39:4-100

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Speed Law Violations appear to be Petty Offenses^{4&5}. §§27:12B-18(j), 27:23-32, 27:25A-21(j) & 39:4-104 & 39:4-203

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions^{4&6}:

⁴On highways under the jurisdiction of the South Jersey Transportation or the New Jersey Highway Authorities, either (1) a speeding, (2) reckless driving or (3) careless driving offense that results in either death, serious injury or property damage $> \$5,000$ is respectively a crime of the third degree or a high misdemeanor. §§27:12B-18(k) & 27:25A-21(k) The sanctions for a Crime of the Third Degree/High Misdemeanor are an imprisonment from **3 to 5 years** and/or a fines of not more than **\$15,000**. §§2C:43-1(b), 2C:43-3(b) & 2C:43-6(a)(3)

⁵Statutory law does not provide a clear classification for this type of offense. However, State supreme court decisions appear to hold that they are petty offenses. E.g., *State v. Schreiber*, 585 A.2d 945 (N.J. 1991)

⁶The following sanctions appear to apply for speeding on highways under the jurisdiction of the Port Authority of New York and New Jersey such as to endanger unreasonably or to be likely to endanger unreasonably persons or property: Imprisonment for not more than **60 days** and/or a fine of not more than **\$500**. §§32:1-154.16 & 32:1-154.21 See Footnote No. 5.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Imprisonment:	
Term (Day, Month, Years,	
Etc.):	Not more than 15 days §§39:4-104 & 39:4-203
Mandatory Minimum Term:	None
Fine:	
Amount (\$ Range):	\$50 to \$200^{7&8} §§39:4-104 & 39:4-203
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	Driver Improvement Program with a \$100 fee §§39:5-30.2, 39:5-30.4 & 39:5-30.9 and NJAC §13:19-10.2(b)
Other:	
Licensing Action:	
Type of Licensing Action	
(Susp/Rev):	Suspension via a Point System ⁹ §39:5-30.5 et seq.

⁷**One dollar** (\$1) is add to any fine for the Body Armor Replacement Fund and **\$1** is also added for the N.J. Spinal Cord Research Fund. §39:5-41(d) & (e)

⁸**Construction Zone.** The fine amount is **double** for a violation committed in an area of highway construction or repair. §39:4-203.5(b)

⁹**Point System.** I. For the indicated point accumulations in a period of 2 years or less, the following suspension periods apply: 12 to 15 points-30 days suspension; 16 to 18 points-60 days suspension; 19 to 21 points-90 days suspension; 22 to 24 points-120 days suspension; 25 to 27 points-150 days suspension; and ≥28 points-180 days suspension. For the indicated point accumulations in a period greater than 2 years, the following suspension periods apply: 15 to 18 points-30 days suspension; 19 to 22 points-60 days suspension; 23 to 26 points-90 days suspension; 27 to 30 points-120 days suspension; 31 to 35 points-150 days suspension; and ≥36 points-180 days suspension. §39:5-30.8 & NJAC §13:19-10.2(a) II. The following points have been assigned to speeding and speed related violations: Racing on highway-5 points; reckless driving-5 points; careless driving-2 points; slow speed blocking traffic or not maintaining the proper speed in a designed traffic lane-2 points; exceeding speed limit ≥1 but ≤14 MPH-2 points; exceeding speed limit ≥15 but ≤29 MPH-4 points; exceeding speed limit ≥30-5

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Term of License Withdrawal
(Days, Months, Years, etc.):

Suspension via a Point System-**30 to 180 days** §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary **suspension for up to 3 months.** §39:5-30b

Mandatory Minimum Term of
Withdrawal:

None Attendance at a Driver Improvement Program may be used in lieu of all or part of a suspension. §39:5-30.2 & NJAC §13:19-10.2(b)

Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Miscellaneous Sanctions
Not Included Elsewhere:

Double Fines. (1) On a public highway with a speed limit of 65 MPH, the fine is **double** the usual amount if a person operates a motor vehicle ≥10 MPH over this limit. §39:4-98.6 (2) The fine amount is **double** for exceeding ANY *prima facie* speed limit by ≥20 MPH. §39:4-98.7

Other Criminal Actions Related to Speeding:

Racing on Highway:

Petty Offense⁵ §39:4-52 or Disorderly Person Offense §39:5C-1

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Petty Offense: **None** §39:4-52 Disorderly Person Offense: 1st offense-None Subsequent offense-Not more than 90 days §39:5C-1

Mandatory Minimum Term:

Fine (\$ Range):

None
For either a Petty Offense or a Disorderly Person Offense: 1st offense-\$25 to \$100^{7&8} Subsequent offense-\$100 to \$200^{7&8} §39:4-52 & 39:5C-1

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Suspension via a Point System⁹ §39:5-30.5 et seq.

Suspension via a Point System-**30 to 180 days** §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary **suspension for up to 3 months.** §39:5-30b

Mandatory Action--Minimum
Length of License

points; and, third offense of unsafe driving-[points have not yet been established for this offense]. §39:4-97.2 and NJAC §13:19-10.1

Alternative Licensing and Possible Registration Action. A person's license or their vehicle's registration certificate may be suspended or revoked (for an indefinite period of time) under general provisions of the law which allows the State to take such action when a person has violated the traffic laws. §§39:5-30 & 39:5-31

Preliminary Licensing Action. The State may issue a "preliminary" (immediate) license suspension without a hearing prior to any final action based on an allegation that a person has been committed either (1) a speeding offense where they exceed the authorized speed limit by 20 MPH, (2) reckless driving or (3) careless driving where any of the "alleged" offenses resulted in either a death or a serious bodily injury to another. An aggravated party may request a timely hearing on such preliminary action. §39:5-30(e)

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Withdrawal:	None Attendance at a Driver Improvement Program with a \$100 fee may be used in lieu of all or part of a suspension. §§35:5-30.2 & 39:5-30.4 and NJAC §13:19-10.2(b)
Other:	Double Fines. For racing on a public highway with a speed limit of 65 MPH, the fine is double the usual amount. §39:4-98.6
<u>Reckless Driving</u> ⁴ :	Petty Offense ⁵ §§27:12B-18(b) & (j), 27:23-26, 27:23-32, 27:25A-21(b) & (j) & 39:4-96
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense</u> -Not more than 60 days <u>Subsequent offense</u> -Not more than 3 months §39:4-96
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense</u> - \$50 to \$200 ^{7&8} <u>Subsequent offense</u> - \$100 to \$500 ^{7&8} §39:4-96
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁹ §39:5-30.5 et seq.
<u>Other Criminal Actions Related to Speeding</u> :. (continued)	
<u>Reckless Driving</u> : (continued)	
Length of Term of License	
Withdrawal Action:	Suspension via a Point System- 30 to 180 days §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary suspension for up to 3 months . §39:5-30b
Mandatory Term of License	
Withdrawal Action:	None Attendance at a Driver Improvement Program with a \$100 fee may be used in lieu of all or part of a suspension. §§39:5-30.2 & 39:5-30.4 and NJAC §13:19-10.2(b)
Other:	Double Fines. For a person, who commits reckless driving on a public highway with a speed limit of 65 MPH, the fine is double the usual amount. §39:4-98.6
<u>Careless Driving</u> ^{4&10} :	Petty Offense ⁵ §§27:12B-18(b) & (j), 27:32-26, 27:32-32, 27:25A-21(b) & (j), 32:1-154.3, 32:1-154.9, 32:154.16, 32:154.18(2), 32:154.19 & 39:4-97
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 15 days §39:4-104
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	\$50 to \$200 ^{7&8} §39:4-104
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁹ §39:5-30.5 et seq.
Length of term of License	
Withdrawal Action:	Suspension via a Point System- 30 to 180 days §39:5-30.8 However, if a

¹⁰"Careless driving" is defined as operating "a vehicle carelessly, or without due caution and circumspection, in a manner so as to endanger, or be likely to endanger, a person or property." §39:4-97

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	person has had 3 suspensions within 3 years, discretionary suspension for up to 3 months. §39:5-30b
Mandatory Term of License Withdrawal Action:	None Attendance at a Driver Improvement Program with a \$100 fee may be used in lieu of all or part of a suspension. §§39:5-30.2 & 39:5-30.4 and NJAC §13:19-10.2(b)
Other:	Double Fines. For a person, who commits careless driving on a public highway with a speed limit of 65 MPH, the fine is double the usual amount. §39:4-98.6
<u>Unsafe Driving</u> ¹¹ :	Petty Offense ⁵ §39:4-97.2
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Unsafe Driving:</u> (continued)	
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	<u>1st offense-\$50 to \$150</u> ⁷ ; <u>2nd offense</u> (within 5 years)- \$100 to \$250 ⁷ ; <u>3rd or subsequent offense</u> (within 5 years)- \$200 to \$500 ⁷ §39:4-97.2
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁹ For a 3rd or subsequent offense, points are added to a person's driving record. §§39:4-97.2 & 39:5-30.5 et seq.
Length of term of License Withdrawal Action:	Suspension via a Point System- 30 to 180 days §39:5-30.8 However, if a person has had 3 suspensions within 3 years, discretionary suspension for up to 3 months. §39:5-30b
Mandatory Term of License Withdrawal Action:	None Attendance at a Driver Improvement Program with a \$100 fee may be used in lieu of all or part of a suspension. §§39:5-30.2 & 39:5-30.4 and NJAC §13:19-10.2(b)
Other:	

¹¹"[I]t shall be unlawful for any person to drive or operate a motor vehicle in an unsafe manner likely to endanger a person or property."
§39:4-97.2

Commercial Motor Vehicle (CMV) Operators¹²:

Grounds for Suspension:

A person's privilege for operate a CMV is suspended if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹³ within a 3 year period or (2) commit 3 such violations within a 3 year period. §39:3-10.20(f)

Period of Suspension:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-**120 days** §39:3-10.20(f)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §39:3-10.20(f)

¹²A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, is designed to transport >8 but <16 persons if used to transport persons for hire on a daily basis to and from places of employment, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §39:3-10.11

¹³A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §39:3-10.11